IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 584 OF 2005

IN

CROSS OBJECTION STAMP NO. 6556 OF 1999

IN

FIRST APPEAL NO. 340 OF 1994

The State of Maharashtra ..Applicants

versus

Dyanu G. Kapse, since deceased
by his heirs and L.Rs.
Dilip D. Kapse & Anr. ..Respondents

Mr. S. N. Gawade for the Applicants.
Ms. A. B. Kolagi for the Respondent.

CORAM : D. G. DESHPANDE,J.

DATE : 10TH FEBRUARY,2005

P.C. :

. This application is filed by the State for setting aside the Order of the Additional Registrar dated 7.3.2000 dismissing Cross Objection for non removal of the office objection. The original Appeal was filed by the claimant - respondent thereafter State filed Cross objection. Delay is in

filing the cross objection. The Order of the Additional Registrar is in the Cross Objection. Since Appeal is of the claimant - respondent is pending and due for hearing, this application is required to be allowed as it is in the cross objection. However, looking to the objection of the counsel for the respondent about delay, costs can be awarded to compensate.

. In the result, Application is allowed. Impugned Order of the Additional Registrar dated 7.3.2000 is set aside subject to payment of cost of Rs.500/- by the State. Costs to be deposited by the Applicants - State in this court within eight weeks from today.

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